

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MIGUEL DÍAZ REYES,

Plaintiff

v.

CIVIL 04-2223 (ADC)

MANUEL DÍAZ SALDAÑA, et al.,

Defendants

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is before the court on unopposed motion in support of dismissal for want of prosecution filed by Manuel Díaz Saldaña, in his official capacity, on August 30, 2007. (Docket No. 91.) Also before the court is the defendant's opposition to docket entry 100 and motion to strike, which includes a request similar to that made in Docket No. 91, that is to dismiss the case for want of prosecution should plaintiff continue to ignore the rules of procedure governing parties appearing before the court. (Docket No. 102, dated December 5, 2007.) Having considered the unopposed motion (Docket No. 91), and for basically the same reasons set forth previously in both of the defendant's motions as well as in my admonition of January 8, 2008, (Docket No. 103), it is my recommendation that defendant's motion to dismiss the complaint be GRANTED and that the same be dismissed in its entirety for lack of diligent prosecution. It is also my

1 CIVIL 04-2223 (ADC)

2

3 recommendation that Docket No. 100 be stricken for the reasons set forth in
4 Docket No. 102.
5

6 Under the provisions of Rule 72(d), Local Rules, District of Puerto Rico, any
7 party who objects to this report and recommendation must file a written objection
8 thereto with the Clerk of this Court within ten (10) days of the party's receipt of
9 this report and recommendation. The written objections must specifically identify
10 the portion of the recommendation, or report to which objection is made and the
11 basis for such objections. Failure to comply with this rule precludes further
12 appellate review. See Thomas v. Arn, 474 U.S. 140, 155 (1985); Davet v.
13 Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992); Paterson-Leitch Co. v. Mass. Mun.
14 Wholesale Elec. Co., 840 F.2d 985 (1st Cir. 1988); Borden v. Sec'y of Health &
15 Human Servs., 836 F.2d 4, 6 (1st Cir. 1987); Scott v. Schweiker, 702 F.2d 13, 14
16 (1st Cir. 1983); United States v. Vega, 678 F.2d 376, 378-79 (1st Cir. 1982); Park
17 Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980).
18
19
20

21 At San Juan, Puerto Rico, this 13th day of February, 2008.
22

23 S/ JUSTO ARENAS
24 Chief United States Magistrate Judge
25
26
27
28